IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 1716 (SS) of 2005

Mahipal Singh,
S/o Nain Singh,
R/o village – Molkhandi,
P.O. – Thalda,
District – Pauri Garhwal. **……..Petitioner.**

Versus

1. State of Uttaranchal through Secretary PWD, Uttaranchal Shashan, Dehradun.
2. Chief Engineer, Level I, PWD, Uttaranchal, Dehradun.
3. Chief Engineer, Level II, PWD, Garhwal Kshetra, PWD, Pauri.
4. Superintending Engineer, 36th Circle, PWD, Pauri.
5. Superintending Engineer, 60th Circle, PWD, Jaharikhal, District - Pauri.
6. Executive Engineer, Provincial Division, PWD, Lansdown, District – Pauri

……Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri S.S. Chaudhary, learned counsel for the petitioner and learned Standing Counsel for the State on behalf of respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. *to issue the writ, order or direction in the nature of Certiorari to quash the order dated 18.10.2005 passed by respondent no. 6 which is annexed as Annexure No. 2 to the writ petition.*

2. *to issue the writ, order or direction in the nature of Mandamus commanding the respondents to pay the pension and other pensionary benefit with Gratuity to the petitioner from the date of his retirement on 30.09.2005.*

3. *to issue a writ, order or direction which this Hon'ble Court may think fit and proper under the facts and circumstances of the case.*

4. *Award the costs.*

Respondents have filed counter affidavit.

Learned standing counsel has submitted that petitioner has completed 34 years of service with the department 17 years as daily wagers and another 17 years as work charge employee. However, petitioner has not served the Department for a single day as regular employee.

In the circumstances stated above, petitioner is not entitled for pension. Writ petition lacks of merit and as such, is dismissed. Stay application no. 10197 of 2005 is rejected. No order as to costs.

(M.M. Ghildiyal, J)

February 20, 2007
SKSharma